



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/647,339 Art Unit: 2614
Filing Date: August 26, 2003 Examiner: Thjuan Knowlin Addy
Applicant(s): Jung-Tao LIU Conf.: 3513
Title: METHOD AND CONTROL CHANNEL FOR UPLINK
SIGNALING IN A COMMUNICATION SYSTEM

Attorney Docket: 29250-001071/US

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314
Mail Stop Amendment

July 10, 2008

DECLARATION UNDER 37 C.F.R. § 1.131

Madam:

I, John Ligon, hereby declare and state:

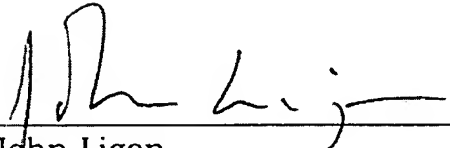
1. This Declaration is submitted as evidence of conception of the subject matter claimed in the above-identified application prior to August 18, 2003, the effective date of the applied reference US 2005/0043045 to Cheng et al. under 35 U.S.C. § 102(e), coupled with due diligence prior to the same and continuous through the filing date of the above-identified application, August 26, 2003.
2. I am a person identified in 37 C.F.R. §§ 1.131(a) and 1.47(b). I am a legal representative of Lucent Technologies, 600 Mountain Avenue, Murray Hill, New Jersey, 07974-0636, ("Assignee") to whom the present application is assigned in its entirety as reflected

in Exhibit A, the assignment executed by sole inventor Jung-Tao Liu ("Inventor") on September 11, 2003. Inventor was last known at 168 Leeds Ct., Madison, NJ, 07940. Inventor no longer works for Assignee, and all attempts to locate Inventor have failed.

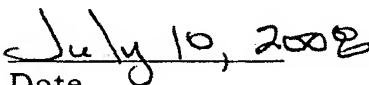
3. Prior to August 18, 2003, the method and control channel for uplink signaling in a communication system, as disclosed and claimed in the present application, was conceived.
4. Exhibit B is a correspondence dated August 14, 2003 between Assignee and prosecution counsel, Harness, Dickey, & Pierce, PLC, 11730 Plaza America Drive, Suite 600, Reston, VA 20190 ("Counsel"). Exhibit B includes instructions to prepare and file a patent application on IDS 125812, also enclosed in Exhibit B.
5. Exhibit B establishes that Inventor conceived of and was in possession of so much of the subject matter recited in claims 1-20 of the present application prior to August 18, 2003 in that IDS 125812 discloses and enables the subject matter of claims 1-20.
6. From August 15, 2003 onward, preparation of the application diligently progressed, resulting in the filing of the above-identified application on August 26, 2003 with the United States Patent and Trademark Office.
7. Exhibit C is an itemized and descriptive draft invoice from Counsel to Assignee for the services requested in the instruction letter of Exhibit B in connection with the present application. Exhibit C is in its original form except for the dollar amounts billed, which have been redacted. The client number matter number on Exhibit C

corresponds to the Attorney Docket number of the present application.

8. Exhibit C establishes due diligence from August 15, 2003 onward, in that it illustrates reasonable diligence in Counsel preparation of the present application on 8/15, 8/16, 8/18, 8/21, 8/22, 8/23, and the filing date 8/26 of 2003, with any gaps being accounted for as weekends 8/16-8/17 and 8/23-8/24 or reasonable work on other backlogged cases as permitted under MPEP § 2138.06.
9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



John Ligon



Date